

EXHIBIT G

C

Premium Balloon Accessories, Inc. v. Control
Plastics

C.A.6 (Ohio),2004.

This case was not selected for publication in the
Federal Reporter. Not for Publication in West's Fed-
eral Reporter See Fed. Rule of Appellate Procedure
32.1 generally governing citation of judicial de-
cisions issued on or after Jan. 1, 2007. See also
Sixth Circuit Rule 28. (Find CTA6 Rule 28)

United States Court of Appeals, Sixth Circuit.
PREMIUM BALLOON ACCESSORIES, INC.,
Plaintiff-Appellant,
v.

CONTROL PLASTICS, Defendant-Appellee.
No. 03-3135.

Aug. 24, 2004.

Background: Plaintiff filed trade-dress infringe-
ment action against out-of-state company. The
United States District Court for the Northern Dis-
trict of Ohio dismissed complaint for lack of per-
sonal jurisdiction, and plaintiff appealed.

Holding: The Court of Appeals held that company
was not subject to personal jurisdiction in Ohio.
Affirmed.

West Headnotes

Trademarks 382T ¶1558

382T Trademarks

382TIX Actions and Proceedings

382TIX(A) In General

382Tk1557 Jurisdiction

382Tk1558 k. In General. Most Cited

Cases

(Formerly 382k545 Trade Regulation)

Trademarks 382T ¶1560

382T Trademarks

382TIX Actions and Proceedings

382TIX(A) In General

382Tk1557 Jurisdiction

382Tk1560 k. Internet Use; Cyber-
squatting. Most Cited Cases

(Formerly 382k545 Trade Regulation)

California company was not subject to personal jur-
isdiction in Ohio in trade-dress infringement action,
even though it made retail sales totaling \$9,075.90
to customers in Ohio and maintained internet web
site that was accessible to Ohio users, where Ohio
sales constituted only .30 percent of company's
worldwide sales during period in question, and pur-
chases could not be made directly over internet.
Ohio R.C. § 2307.382.

***50 On Appeal from the United States District
Court for the Northern District of Ohio.**

Ray L. Weber, John J. Cunniff, Renner, Kenner,
Greive, Bobak, Taylor & Weber, Akron, OH, for
Plaintiff-Appellant.

Robert C. Meeker, Akron, OH, Douglas A. Chaikin,
San Jose, CA, for Defendant-Appellee.

Before BOGGS, Chief Circuit Judge, DAUGH-
TREY, Circuit Judge, and WISEMAN,^{FN*} District
Judge.

FN* The Honorable Thomas A. Wiseman,
Jr., United States District Judge for the
Middle District of Tennessee, sitting by
designation.

PER CURIAM.

****1** The plaintiff, Premium Balloon Accessories,
Inc., appeals the district court's dismissal of its
trade-dress infringement complaint against Control
Plastics for lack of personal jurisdiction pursuant to
FED. R. CIV. P. 12(b)(2). The court found that
Premium Balloon failed to show that Ohio's long-
arm statute conferred personal jurisdiction over
Control Plastics, a two-person California company,
because Control Plastics did not transact or solicit
business in Ohio or derive substantial revenue from

the state, within the meaning of Ohio's long-arm statute. See OHIO REV.CODE ANN. §§ 2307.382(A)(1) and (A)(4). The court also held that even if personal jurisdiction existed under Ohio's long-arm statute, such jurisdiction would not comport with federal due process principles.

END OF DOCUMENT

Control Plastics does not have not an Ohio office or telephone listing. The plaintiff nevertheless contended that the complaint established personal jurisdiction, *51 relying upon two allegations: first, that between 1999 and 2002, Control Plastics made retail sales totaling \$9,075.90 to customers in Ohio and, second, that the California company maintained an internet web site that was accessible to Ohio users. However, the record indicates that the Ohio sales constituted a mere .30 percent of the Control Plastics worldwide sales during that period, and the web site in question was not fully interactive, i.e., it provided certain information about the company's products and permitted a user to download an order form, but purchases could not be made directly over the internet. The district judge held that these factors were not sufficient to establish personal jurisdiction over the defendant, successfully distinguishing this case from *Bird v. Parsons*, 289 F.3d 865 (6th Cir.2002).

Having had the benefit of oral argument, and having studied the record on appeal and the briefs of the parties, we are not persuaded that the district court erred in dismissing the complaint. Because the reasons why the record fails to establish personal jurisdiction over the defendant have been fully articulated by the district court, the issuance of a detailed opinion by this court would be duplicative and would serve no useful purpose. Accordingly, we AFFIRM the judgment of the district court upon the reasoning set out by that court in its order dated December 27, 2002.

C.A.6 (Ohio),2004.

Premium Balloon Accessories, Inc. v. Control Plastics

113 Fed.Appx. 50, 2004 WL 1922165 (C.A.6 (Ohio))